

Applicant : Robert E. Weinstein et al.  
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Attorney's Docket No.: 17539-012001 / STL 10375

REMARKS

In the final office action mailed September 7, 2004, the Examiner allowed claims 1-30, and rejected claims 31 and 32. Applicants thank the Examiner for allowing claims 1-30.

Applicants also thank the Examiner for the courtesies extended during an interview on January 4, 2005. During the interview, agreement was reached that the Kogan reference (U.S. Patent 5,490,091) does not disclose "estimate what the bit error rate for the media will be at the future predetermined time," which is recited in claims 31 and 32. Applicants maintain that there may be other bases for patentability of claims 31 and 32 in addition to those discussed during the interview.

Applicants submit that claims 1-32 are now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a timely Notice of Allowance in this case for all of claims 1-32.

Enclosed is a check for \$120 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7 Jan. 2005

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